REMARKS

INTRODUCTION

In the Office Action, Claims 1‑42 were all rejected for obviousness under 35 U.S.C. 103(a) under various combinations of references. Claims 1-40 have been amended to place them in condition for allowance in view of the cited art. In particular, the claim limitations found in original Claims 9, 10, 19, 20, 29, 30, 39, 40, 41 and 42, pertaining to the use of standard registration message exchange as a way of passing teleservice payload size information, have been incorporated into the independent Claims 1, 11, 21, and 31. The dependent claims have been modified to make them consistent with the amendment of the independent claims.

In view of the foregoing amendments, all of the obviousness rejections are moot except for those set forth in paragraphs 10, 14, 18, 22 and 23 based on Hansson et al. (US6400942), Hult et al. (US5822700) and Ross et al (US6263212). These references are said to render obvious a method and system as claimed wherein a teleservice payload size indication associated with a network receiving entity is provided from the network receiving entity to a network sending entity during standard registration message exchange. Applicants respectfully traverse.

Hansson et al. is directed to the broadcasting of teleservice messages of large size to multiple mobile recipients over a paging channel. In order to do this, a message center receiving a broadcast message from a message originator breaks up the message if it is larger than a predetermined number of octets into a sequence of smaller size segments that can then be sent out as paging messages (col. 3, ll. 7-31). As the Office acknowledges, there is no discussion in Hanson et al. as to how the "predetermined number of octets" is provided to the message center for use in determining whether a broadcast message needs to be segmented.

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Hult et al. discloses a conventional method for measuring the load being carried on the control channel of a cellular telephone network air interface and determining a maximum permitted teleservice message length for control channel transmission (col. 3, ll. 56-65). Teleservice messages with lengths less than the permitted maximum are authorized for transmission over the control channel. Any teleservice message having a length exceeding the determined maximum length is refused authorization for control channel transmission. The refused messages must either be saved for control channel transmission at a later time when the measured loading permits or transmitted over the traffic channel portion of the air interface (Abstract). Note that the MC (message center) 20 in Fig. 1 is not provided with the results of the maximum teleservice message measurement.

Ross et al. discloses an SMSC 2 having the ability to dynamically segment a teleservice message into message segments of predetermined length if the recipient is connected via a telecommunications network having a shorter message size than the sender (col. 10, ll. 36-46). However, the maximum message length for each network entity must be indicated in advance to the teleservice message service center by a human system administrator (col. 4, ll. 1-7; col. 6, ll. 34-48). This is cumbersome from the standpoint of initial data entry as well as the periodic updating thereof as network capabilities change.

The subject matter of independent Claims 1, 11, 21, 31, 41 and 42 is believed to patentably distinguish over Hansson et al., Hult et al. and Ross et al. None of the references (taken alone or in combination) discloses or suggests the claimed use of standard wireless registration messages as a way to inform a network sending entity of the maximum teleservice payload size that can be handled by network receiving entities, thus allowing the network sending entity to properly segment a teleservice message (as necessary) in advance of its being sent. As indicated, Hansson et al. does not describe how the message center therein is advised of the "predetermined number of octets." Hult et al. doesn't involve the use of payload size information by a network sending entity at all. The channel capacity measurements obtained therein are used solely by the MSC 30 (a network receiving entity) in order to store large messages or send them over a traffic channel. Ross et al. discloses an SMSC using teleservice payload size information, but the information is entered manually by an administrator.

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The references thus teach away from Applicants' claimed subject matter in which teleservice payload size information is provided automatically to a network sending entity. The automated provisioning of payload size information to a network sending entity is simply not contemplated. A fortiori, Applicants' rather elegant use of standard registration messages as a vehicle for imparting payload size information to a network sending entity is nowhere within the contemplation any of the references. This is true notwithstanding the statement made in the Office Action regarding the use of a database by Ross et al. to store payload size information, the fact that an HLR is a database, and the recognition that an HLR is often involved in standard registration message exchange.

The foregoing are all accurate statements but Applicants do not see how they provide proper evidentiary support for the obviousness rejections directed to the subject matter of Claims 1, 11, 21, 31, 41 and 42. *In re Dembiczak*, 50 USPQ2d 1614 (Fed. Cir. 1999). The required showing "must be clear and particular, and broad conclusory statements about the teaching of multiple references, standing alone, are not 'evidence'." Harmon, Patents and the Federal Circuit, section 4.7(a) (Sixth Ed. 2003). Here, there is no succinct evidentiary showing that any combination of the cited references would have suggested the automated provision of payload size information to a network sending entity, or that this should be done using standard registration message exchange.

The following dependent claims recite additional elements that are neither disclosed nor suggested by Hansson et al., Hult et al. or Ross et al.:

Claims 2, 12, 22, 32 – the references do not disclose or suggest a system or method wherein a payload size indication is passed during standard registration message exchange from a network receiving entity to a database associated with a mobile station, and wherein the payload size indication is passed during standard registration message exchange from the database to a network sending entity.

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Claims 3, 13, 23, 33 – the references do not disclose or suggest a system or method wherein payload size indication is passed during standard registration message exchange from a network receiving entity to a network sending entity.

Claims 9, 19, 29 and 39 -- the references do not disclose or suggest a system or method wherein the standard registration message exchange includes one of an Authentication On Initial Access message exchange, a Direct FeatureRequest With Call Routing message exchange, a LocationRequest message exchange, an OriginationRequest message exchange, a QualificationRequest message exchange, a RegistrationNotification message exchange, or a TransferToNumberRequest message exchange.

Claims 10, 20, 30 and 40 – the references do not disclose or suggest a system or method wherein the standard registration message exchange includes one of an SMSNotification message exchange or an SMSRequest message exchange.

As such, Applicants respectfully request that the rejections under 35 U.S.C. 103(a) be withdrawn, and that Notices of Allowability and Allowance be duly issued.

Respectfully submitted,

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